

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM BRIAN ROBINSON,

Petitioner,

v.

JIM MORROW, WARDEN,

Respondent.

No. 3:08-0235

JUDGE HAYNES

AGREED MOTION TO REOPEN CASE
AND TO ALLOW AMENDMENT OF PETITION

The parties file this agreed motion to request that the Court re-open this case and permit

William Robinson to amend his petition.

On July 2, 2010, Petitioner William Robinson amended his petition to, *inter alia*, raise a claim of actual innocence based on recently obtained DNA test results. On August 24, 2010, the Respondent moved to stay this case and hold it in abeyance to require Robinson to exhaust any available state remedy. On August 26, 2010, this Court granted that motion for a stay, and then, on October 21, the Court modified its order by allowing Robinson to conduct certain discovery during a limited time period. Robinson has now completed that discovery, and he believes he has identified additional *Brady* materials that relate to fingerprint testing done prior to his trial. The Respondent does not concede that the material is *Brady* material.

Counsel for both parties have discussed the situation, and propose taking the following actions so the case may proceed in federal court. Robinson amends his petition by: (1) dropping his claim of actual innocence, and (2) alleging, as *Brady* materials, the information regarding fingerprint testing. With the unexhausted actual innocence claim dropped, the Respondent concludes that there is no available state remedy for the amended petition's remaining claims,

Overruled
This motion is
GRANTED. Petitioner
has merely (60) days to
file an amended petition.
Respondent has 30 days to
file a response.
Will [signature]
2-7-11

